

Serial No. 10/525, 027  
Atty. Doc. No. 2002P09928WOUS

RECEIVED  
CENTRAL FAX CENTER  
AUG 21 2006

REMARKS

Claims 11 and 17 (and claims depending from such claims) stand rejected as being indefinite. Claim 11 stands further rejected under 102(e) as being anticipated by US patent application publication No. US2005/0147370 A1 (hereinafter referred to as Yusoff). The Office Action further notes an objection regarding the drawings. Applicant is appreciative of the recognition of allowable subject matter in claims 17-20, and also in claims 12-16. Applicant respectfully requests reconsideration of the rejections and objections, and allowance of all pending claims, in view of the foregoing amendments and the following remarks.

Claims 1-10 were previously cancelled. Claims 11 and 17 are amended herein. Accordingly, claims 11-20 remain pending in the present application.

Claims 11 and 17 have been amended, as suggested in the Office Communication, to address the informalities noted therein. It is submitted that such claims, as amended, comply with the appropriate statutory requirements regarding definiteness, and, accordingly, this basis of rejection has been overcome and should be withdrawn.

In connection with the 102(e) rejection, applicant notes that based on dates alone, Yusoff is not a proper anticipatory reference. Yusoff has a PCT filing date (September 27, 2002) which is one month after the priority date of the present application, (August 27, 2002). Yusoff claims priority from two British applications both with a filing date of September 28, 2001. However, no benefit of the filing date of the foreign application/s can be given under 35 U.S.C. 102 (e) for prior art purposes ( In re Hilmer , 149 USPQ 480 (CCPA 1966)). See also M.P.E.P. section 706.02(f)(1), "Examination Guidelines for Applying References Under 35 U.S.C. 102(e)". Accordingly, this basis of rejection should be withdrawn. Accordingly, the rejection of claim 11 under 35 USC 102(e) should be withdrawn.

Regarding the objection to the drawings, applicant notes that figure 1 illustrates a block diagram labeled "SE" described in paragraph 32 of the publication document as a control device for switching the pumping sources of the fiber amplifier and the Raman amplifier. Figure 1 further illustrates a block diagram labeled "RE" described in paragraph 34 of the publication document as a regulator for controlling the spectral power components of the pumping source

**Serial No. 10/525, 027**  
**Atty. Doc. No. 2002P09928WOUS**

PQ. The Office Communication contains underlined text in paragraph 9 indicating that the box labeled RE does not sufficiently detail the switching device. However, as noted above, control device SE, which is clearly shown in figure 1, is the device that performs the switching actions for the pumping sources of the fiber amplifier and the Raman amplifier. Consequently, the switching device described as missing in the Office Communication is already shown in figure 1, and thus the objection to the drawings should be withdrawn. Moreover, in general, an applicant is required to describe (e.g., illustrate) the invention to one of ordinary skill in the art. It is respectfully submitted that not every detail is to be illustrated, or otherwise the patent drawings would turn into production drawings, which they were never intended to be (citations omitted). In this case, applicant respectfully submits that one of ordinary skill would be fully apprised of the invention when FIG. 1 is construed together with the specification. For example, at least paragraphs 34 and 35 appropriately describe examples of the operational relationships (e.g. switching operations) performed by control device SE. If the Examiner has a specific drawing suggestion in mind, then applicant kindly requests the Examiner to provide to applicant any such specific suggestion. However, in view of the foregoing discussion, applicant believes that the statutory (and regulatory) requirements have been appropriately met and this objection should be withdrawn.

(please proceed to page 7)

Serial No. 10/525, 027  
Atty. Do. No. 2002P09928WOUS

RECEIVED  
CENTRAL FAX CENTER

AUG 21 2006

Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter, and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

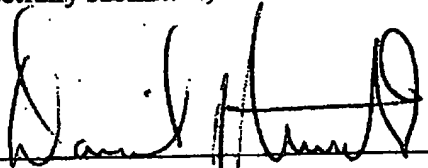
The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated:

Aug 21, 2006

By:



Daniel J. Staudt  
Registration No. 64,733  
(407) 736-2415

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830